

UNITED STATES BANKRUPTCY COURT
WESTERN DISTRICT OF TEXAS
EL PASO DIVISION

IN RE:

A&R CHAVIRA, LLC,

Debtor,

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Case Number 23-30067-hcm

Chapter 11

**MOTION FOR EXPEDITED HEARING ON MOTION OF VEHICLE ACCEPTANCE
CORPORATION FOR RELIEF FROM STAY AGAINST PROPERTY OF THE ESTATE**

TO THE HONORABLE H. CHRISTOPHER MOTT,
UNITED STATES BANKRUPTCY JUDGE:

Vehicle Acceptance Corporation (“VAC”) files this Motion for Expedited Hearing as follows:

1. **Underlying Motion:** The underlying motion is a Motion of Motor Vehicle Acceptance Corporation for Relief from Stay Against Property of the Estate and Waiver of 30-Day Requirement (“*Motion for Relief From Stay*”) [Docket #27]. The Motion for Relief From Stay was filed on February 22, 2023.
2. **Need for Expedited Hearing:** The Motion for Relief From Stay concerns VAC’s lien on 33 vehicles financed by VAC under a floor plan financing arrangement. In an audit conducted on January 25, 2023 VAC could not locate two of the vehicles it financed. The Debtor did not allow VAC to conduct an additional audit requested in late February. According to the Debtor’s Schedules filed on February 22, 2023 only 23 vehicles are listed as securing VAC. Upon information and belief VAC’s vehicles have been sold out of trust or are otherwise unaccounted for jeopardizing its liens. Time is of the essence in VAC securing its vehicles and preventing any further vehicles from being sold out of trust.
3. **Certificate of Conference:** Counsel for the Debtor consents to an expedited setting.
4. **Time Estimate for Hearing:** One-half hour

5. **Deadline for When Hearing is Needed:** A live hearing is requested the week of March 13, 2023.
6. **Date When All Parties are Available:** March 14, 15 and 16, 2023.

Respectfully submitted,

KEMP SMITH LLP
P.O. Box 2800
El Paso, Texas 79999-2800
915.533.4424
915.546.5360 (FAX)
Attorneys for Motor Vehicle Acceptance
Corporation

By: _____
James W. Brewer
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CERTIFICATE OF SERVICE

I hereby certify that on March 1, 2023, a true and correct copy of this Motion was delivered; 1) by first class U.S. Mail to the parties on the attached list, and 2) by ECF to all persons and electronically to the parties that are registered or otherwise entitled to receive electronic notices in this case pursuant to the Electronic Filing Procedures in this District.

James W. Brewer

Label Matrix for local noticing
0542-3
Case 23-30067-hcm
Western District of Texas
El Paso
Wed Mar 1 11:31:07 CST 2023

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El Paso, TX 79915-1105

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EL PASO, TX 79901-2417

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Centralized Insolvency Office
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Philadelphia, PA 19101-7346

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The preferred mailing address (p) above has been substituted for the following entity/entities as so specified by said entity/entities in a Notice of Address filed pursuant to 11 U.S.C. 342(f) and Fed.R.Bank.P. 2002 (g)(4).

City of El Paso
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Texas Comptroller of Public Accounts
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End of Label Matrix
Mailable recipients 26
Bypassed recipients 0
Total 26